

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
VERNON WAYNE OFFICER,  
  
Defendant.

CASE NO. CR15-0078-JCC  
  
ORDER

This matter comes before the Court on Defendant Vernon Wayne Officer's *pro se* submission asking the Court to allow him to stay at a location other than the halfway house (Dkt. No. 113). The Court DIRECTS the Clerk to terminate the motion for the following reasons.

Under this Court's local rules, a represented criminal defendant may not file a *pro se* motion unless he "requests by motion to proceed on his . . . own behalf, certifies in the motion that he . . . has provided copies of the motion to his . . . current counsel and to the opposing party, and is granted an order of substitution by the court terminating the party's attorney as counsel and substituting the party in to proceed *pro se*." W.D. Wash. Local Civ. R. 83.2(b)(5); *see* W.D. Wash. Local Crim. R. 1(a) (adopting W.D. Wash. Local Civ. R. 83.2(b) in criminal proceedings); *see also United States v. Bergman*, 813 F.2d 1027, 1030 (9th Cir. 1987) ("A criminal defendant does not have an absolute right to both self-representation *and* the assistance of counsel."); *United States v. Agofsky*, 20 F.3d 866, 872 (8th Cir. 1994) (holding that a trial

1 court commits no error in refusing to rule on *pro se* motions raised by a represented party).

2 Because Mr. Officer is represented by counsel and has not complied with the  
3 requirements of Local Civil Rule 83.2(b)(5), his *pro se* submission is improper. Mr. Officer must  
4 contact his counsel to discuss the relief he seeks. The Clerk is DIRECTED to terminate the  
5 improper filing (Dkt. No. 113) and send a copy of it to counsel of record for Mr. Officer.

6 DATED this 20th day of January 2021.

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10 John C. Coughenour  
11 UNITED STATES DISTRICT JUDGE  
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